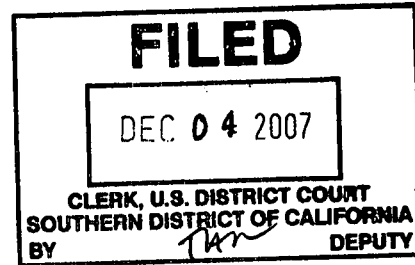


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7 UNITED STATES OF AMERICA



8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)

12 Plaintiff,)

13 v.)

14 NATALIE SOFIA PIEDRA MOLINA,)

15 Defendant.)

Magistrate Case No. 07MJ8928

07CR3258-LAB

16 **STIPULATION OF FACT AND JOINT
MOTION FOR RELEASE OF
MATERIAL WITNESS(ES) AND
ORDER THEREON**

(Pre-Indictment Fast-Track Program)

17 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES
18 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and
19 Carla J. Bressler, Assistant United States Attorney, and defendant NATALIE SOFIA PIEDRA
20 MOLINA, by and through and with the advice and consent of defense counsel, Robert A. Garcia,
21 that:

22 1. Defendant agrees to execute this stipulation on or before the first preliminary hearing
23 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,
24 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead
25 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count
26 of Bringing in Aliens Without Presentation and Aiding and Abetting, in violation of 8 U.S.C.
27 § 1324(a)(2)(B)(iii) and 18 U.S.C. § 2.

28 //

CJB:es:11/16/07

1 2. Defendant acknowledges receipt of a plea agreement in this case and agrees to
2 provide the signed, original plea agreement to the Government not later than five business days
3 before the disposition date set by the Court.

4 3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or
5 before **December 17, 2007**.

6 4. The material witness, Conrado Olivas-Valenzuela, aka Manuel Valenzuela, in this
7 case:

8 a. Is an alien with no lawful right to enter or remain in the United States;

9 b. Entered or attempted to enter the United States illegally on or about
10 November 15, 2007;

11 c. Was found in a vehicle driven by defendant at the Calexico, California West
12 Port of Entry (POE) and that defendant knew or acted in reckless disregard of the fact that he was
13 an alien with no lawful right to enter or remain in the United States;

14 d. Was paying \$3,500 to others to be brought into the United States illegally
15 and/or transported illegally to his destination therein; and,

16 e. May be released and remanded immediately to the Department of Homeland
17 Security for return to his country of origin.

18 5. After the material witnesses are ordered released by the Court pursuant to this
19 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any
20 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any
21 proceeding, including, but not limited to, motion hearings, trial, sentencing, appeal or collateral
22 attack, that:

23 a. The stipulated facts set forth in paragraph 4 above shall be admitted as
24 substantive evidence;

25 //

26 //

27 //

28 Stipulation of Fact and Joint Motion for Release of
Material Witness(es) And Order Thereon in
United States v. Natalie Sofia Piedra Molina

1 b. The United States may elicit hearsay testimony from arresting agents
2 regarding any statements made by the material witness(es) provided in discovery, and such
3 testimony shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements
4 against interest of (an) unavailable witness(es); and,

5 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),
6 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted
7 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant
8 waives the right to confront and cross-examine the material witness(es) in this case.

9 6. By signing this stipulation and joint motion, defendant certifies that defendant has
10 read it (or that it has been read to defendant in defendant's native language). Defendant certifies
11 further that defendant has discussed the terms of this stipulation and joint motion with defense
12 counsel and fully understands its meaning and effect.

13 Based on the foregoing, the parties jointly move the stipulation into evidence and for the
14 immediate release and remand of the above-named material witness(es) to the Department of
15 Homeland Security for return to his country of origin.

16 It is STIPULATED AND AGREED this date.


17 Respectfully submitted,

18 KAREN P. HEWITT
19 United States Attorney

20 Dated: 12/4/07

21 
22 CARLA J. BRESSLER
23 Assistant United States Attorney

24 Dated: Dec. 2, 2007

25 
26 ROBERT A. GARCIA
27 Defense Counsel for Piedra Molina

28 Dated: Dec. 2, 2007


 NATALIE SOFIA PIEDRA MOLINA
 Defendant

Stipulation of Fact and Joint Motion for Release of
Material Witness(es) And Order Thereon in
United States v. Natalie Sofia Piedra Molina

ORDER


Upon joint application and motion of the parties, and for good cause shown,

THE STIPULATION is admitted into evidence, and,

IT IS ORDERED that the above-named material witness(es) be released and remanded forthwith to the Department of Homeland Security for return to her country of origin.

SO ORDERED.

Dated: 12-4-07


United States Magistrate Judge